

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 31, 2004. In order to advance prosecution of this case, Applicants amend Claims 1, 3, 10, 18, 26, 31, 36, and 41 and cancel Claims 35 and 40. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 31-41 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,633,554, which issued to Dalal ("*Dalal*"). To anticipate a claim, a single prior art reference must describe, either expressly or inherently, each and every element of the claim. M.P.E.P. §2131.

Applicants' independent Claim 31, as amended, recites:

A method for communicating with wireless devices,
comprising:

initiating a communication session between a wireless
communication device and a first wireless base station coupled
to an ethernet communication pathway;

repeating signals from the wireless communication
device to increase a range of the first wireless base station;

negotiating a handoff of the communication session
from the first wireless base station to a second wireless base
station using the ethernet communication pathway based on
increased ranges of the wireless base stations when the signals
from the wireless communication device are being repeated;
and

handing off the communication session from the first
wireless base station to the second wireless base station.

Applicants respectfully submit that *Dalal* fails to describe each and every element of this Claim.

Among other aspects of Claim 31, *Dalal* fails to disclose:

repeating signals from the wireless communication
device to increase a range of the first wireless base station;
[and]

negotiating a handoff of the communication session
from the first wireless base station to a second wireless base
station using the ethernet communication pathway based on
increased ranges of the wireless base stations when the signals
from the wireless communication device are being repeated.

Dalal fails to include any discussion of “repeating signals from the wireless communication device to increase a range of the first wireless base station.” Neither does *Dalal* discuss “negotiating a handoff of the communication session from the first wireless base station to a second wireless base station using the ethernet communication pathway based on increased ranges of the wireless base stations when the signals from the wireless communication device are being repeated.” For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of independent Claim 1.

For reasons analogous to those discussed above with regard to Claim 31, Applicants respectfully request reconsideration and withdrawal of the rejection of independent Claims 36 and 41. Claims 32-34 and 37-39 depend from Claims 31 and 36 respectively. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 31-34, 36-39, and 41.

In addition, various dependent claims provide additional elements not shown by *Dalal*. For example, *Dalal* fails to disclose the elements of dependent Claim 33, which recites:

The method of Claim 31, further comprising:
providing the wireless communication device with
access to the Internet using an inter-networking device coupled
to the ethernet communication pathway; and
maintaining the Internet access during the handoff of
the communication session.

As teaching “providing the wireless communication device with access to the Internet using an inter-networking device coupled to the ethernet communication pathway,” the Examiner cites to a portion of *Dalal* discussing a communications line. *Dalal*, Col. 5, lines 25-30. However, the communications line disclosed by *Dalal* fails to show “providing the wireless communication device with access to the Internet using an inter-networking device coupled to the ethernet communication pathway.” Furthermore, the Examiner fails to cite any portion of *Dalal* discussing “maintaining the Internet access during the handoff of the communication session.” For these additional reasons, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claim 33.

For reasons analogous to those discussed above with regard to Claim 33, Applicants respectfully request reconsideration and withdrawal of the rejection of Claim 38.

Section 103 Rejections

The Examiner rejects Claims 1-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,542,754, which issued to Sayers, et al. ("*Sayers*"), in view of *Dalal*. To establish obviousness of a claimed invention under §103, all claim limitations must be taught or suggested by the prior art. M.P.E.P. §2143.03.

Applicants' independent Claim 1, as amended, recites:

An in-office wireless code division multiple access, CDMA, communication system, comprising:

a local area network, LAN, having an ethernet communication back-bone;

a plurality of CDMA wireless base stations coupled to said ethernet communication back-bone;

a wireless internet server coupled to said ethernet communication back-bone;

a plurality of wireless communication devices coupled to said CDMA wireless base stations, wherein the CDMA wireless base stations are operable to negotiate a handoff of a connection with one of the wireless communication devices from a first CDMA wireless base station to a second CDMA wireless base station using the ethernet communication back-bone;

a communication gateway coupled to said ethernet communication back-bone;

a router coupled to said ethernet communication back-bone to enable said communication devices to communicate to the internet; and

a plurality of repeaters coupled to said ethernet back-bone and operable to repeat signals from the wireless communication devices to increase ranges of the CDMA wireless base stations;

wherein negotiating the handoff of the connection from the first CDMA wireless base station to the second CDMA wireless base station is based on the increased ranges of the CDMA wireless base stations when the signals from the wireless communication devices are being repeated.

Applicants respectfully submit that *Sayers* in view of *Dalal* fails to teach or suggest every element of this Claim.

Among other aspects of Claim 1, *Sayers* in view of *Dalal* fails to disclose:

a plurality of repeaters coupled to said ethernet back-bone and operable to repeat signals from the wireless communication devices to increase ranges of the CDMA wireless base stations;

wherein negotiating the handoff of the connection from the first CDMA wireless base station to the second CDMA wireless base station is based on the increased ranges of the CDMA wireless base stations when the signals from the wireless communication devices are being repeated.

Neither *Sayers* nor *Dalal* include any discussion of “a plurality of repeaters coupled to said ethernet back-bone and operable to repeat signals from the wireless communication devices to increase ranges of the CDMA wireless base stations.” Furthermore, *Sayers* in view of *Dalal* fail to teach or suggest “wherein negotiating the handoff of the connection from the first CDMA wireless base station to the second CDMA wireless base station is based on the increased ranges of the CDMA wireless base stations when the signals from the wireless communication devices are being repeated.”

Additionally, *Sayers* in view of *Dalal* fails to teach or suggest “a wireless internet server coupled to said ethernet communication back-bone.” As teaching this elements, the Examiner cites generally to Col. 10, lines 1-15 of *Sayers*:

... server 25 and LAN terminals 21 (including terminals 21-1, . . . , 21-T). Terminals 21-1, . . . , 21-T communicate with each other and with the public networks 8 through connection unit 29-1 using the wired packet protocol.

In FIG. 1, the P-BTSs 27-1, . . . , 27-P are associated with protocol converters 28-1, . . . , 28-P, respectively, that connect P-BTSs 27-1, . . . , 27-P to connection unit 23 using the private network protocol used by the LANs 24 and the connection unit 23. Therefore, the mobile stations 4 communicating through the P-BTSs 27 in the private networks 14 have access to the terminals 21 in LANs 24 and have access to the public networks 8. Further, the P-BTSs 27 in the private wireless networks 14 . . .

Applicants respectfully submit that nothing in the cited language comes close to disclosing “a wireless internet server coupled to said ethernet communication back-bone.” For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of independent Claim 1.

For reasons analogous to those discussed above with regard to Claim 1, Applicants respectfully request reconsideration and withdrawal of the rejection of independent Claims 10, 18, and 26. Claims 2-9, 11-17, 19-25, and 27-30 depend from Claims 1, 10, 18, and 26

respectively. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1-30.

In addition, various dependent claims provide additional elements not taught or suggested by *Sayers* in view of *Dalal*. For example, consider dependent Claims 6-8. For these Claims, Applicants respectfully submit that the Examiner cites portions of *Sayers* that fail to teach or suggest the claim language.

First, consider Claim 6, which provides:

The system of Claim 1, wherein said wireless internet server includes a wireless mobility module for managing mobile units within the system.

As teaching the elements of Claim 6, the Examiner cites the following portion of *Sayers*:

. . . municating through the P-BTSs 27 in the private networks 14 have access to the terminals 21 in LANs 24 and have access to the public networks 8. Further, the P-BTSs 27 in the private wireless networks 14 have available higher data rates than those available through the BTSs 12 in the public wireless network 15. In the example described in the present specification, private rates up to 384 kbps or higher are possible whereas conventional public cellular networks currently only provide rates up to 64 kbps. Accordingly, data retrieval operations in the private networks 14 are better accommodated than in the public wireless network 15 of . . .

Sayers, Col. 10, lines 10-20. Applicants respectfully submit that the cited language fails to teach or suggest any aspects of the claim language.

Next, consider Claim 7, which provides:

The system of Claim 1, wherein said wireless internet server provides real-time call processing.

As teaching the elements of Claim 7, the Examiner cites the following portion of *Sayers*:

. . . accommodated than in the public wireless network 15 of FIG. 1.

In FIG. 1, the wireless P-BTS 27 directly connect the mobile stations 4 through connection unit 23 to other facilities in private networks 14 and thereby permit, for example, the mobile stations 4 to send and receive calls to . . .

Sayers, Col. 10, lines 20-25. Again, Applicants respectfully submit that the cited language fails to teach or suggest any aspects of the claim language..

Last, consider Claim 8, which provides:

The system of Claim 5, said wireless internet server includes an integrated base station controller module and a mobile switch controller module for managing calls between communication units within the system.

As teaching the elements of Claim 8, the Examiner cites the following portion of *Sayers*:

Synchronization Redundancy

GPS interface to OAM. Each radio interfaces to the Network Management System via a standard SNMP interface across the network. It is through this interface that the GPS synchronisation card communicates with the OAM system, informing it of its condition, current synchronisation reference, and request for synchronisation reclassification. This scheme is also used to set up slave units and indicate all the possible master P-BTS units that could be used to potentially synchronise their crystal source.

Maximum SCH rebroadcast hops. Each slave P-BTS unit may only "listen" to a GPS synchronised reference. A slave P-BTS accepting a rebroadcast GPS source may not broadcast signals on the BCCH indicating it is a master P-BTS synchronising source. This should prevent "a copy of a copy" from being used. If a slave unit was used to synchronise a slave unit then it is likely that the frequency errors would accumulate meaning that the receiving slave may incorrectly set its crystal frequency out of specification.

System configuration and guidelines. Each P-BTS can be individually configured to acquire synchronization from a preferred source. Normally, each P-BTS may be presented with multiple master clock sources that include network card references (E1/T1, xDSL, ISDN), primary port, secondary port, internal oscillator, GPS reference, SCH reference and 10/100BaseT reference.

The system administrator can rank order these master clock sources in priority. This priority scheme must also be configured to explicitly define the number of times the P-BTS can move to another synchronisation reference within a specified period of time, reporting this to the centralized network management system. This prevents the system from looping through endlessly should a series of deficient sources impact the network.

Signal Processor and Radio Frequency Analyzer--FIG. 9

FIG. 9 is a block diagram representation of a transmit/receive signal processor 6-27, a radio frequency analyzer 9-0, Ethernet

driver 9-20 and a P-BTS processor 9-30 employed in the private wireless base stations (P-BTS) 27 of FIG. 1, FIG. 2 and FIG. 3.

Sayers, Col. 16, lines 10-50. Again, Applicants respectfully submit that the cited language fails to teach or suggest any aspects of the claim language.

Furthermore, Applicants respectfully submit that the addition of *Dalal* fails to provide the elements of Claims 6-8 not taught by *Sayers*. Thus, for these additional reasons, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 6-8.

Applicants also respectfully submit that the Examiner has not met the required burden to show some teaching, suggestion, or motivation to combine or modify the teachings of *Sayers* and *Dalal*. To establish a *prima facie* case of obviousness, the initial burden rests upon the Examiner to provide some suggestion of the desirability of the invention. M.P.E.P. §2142. The Examiner must point to some teaching, suggestion, or motivation in the prior art to combine or modify references to produce the claimed invention. *Id.* §2143.01. The factual inquiry whether to combine references must be thorough and searching. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52 (Fed. Cir. 2001). This factual question cannot be resolved on subjective belief and unknown authority, but must be based on objective evidence of record. *See In re Lee*, 277 F.3d 1338, 1343-44 (Fed. Cir. 2002). “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” M.P.E.P. §2143.01 (emphasis in original). The Office Action fails to identify any teaching, suggestion, or motivation to combine or modify the teachings of *Sayers* and *Dalal*. Furthermore, Applicants respectfully submit that there is no teaching, suggestion, or motivation to combine or modify the teachings of *Sayers* and *Dalal* either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Therefore, for this additional reason, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 1-30.

Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge the any fee or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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